

REED SMITH LLP
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN D. VILLA, JR.,

Plaintiff,

vs.

LINDA ROWE; JENNIFER SWINEY;
BHAWNA JAIN,

Defendants.

No.: C07-01436 WHA

~~PROPOSED~~ WRIT OF HABEAS CORPUS
AD TESTIFICANDUM

John Daniel Villa, Jr., inmate no. J-38001, a necessary and material party in the proceedings in this case, is confined currently in San Quentin State Prison, San Quentin, CA 94964 and is about to be transferred to Ironwood State Prison, A1-249, P.O. BOX 2199, Blythe, California, 92226 He is the Plaintiff in this matter. To provide Mr. Villa's attorneys sufficient time before trial to meet with Mr. Villa in person to prepare for the case it is necessary that a Writ of Habeas Corpus Ad Testificandum issue commanding the Wardens of Ironwood State Prison and San Quentin State Prison to produce Mr. Villa in San Quentin State Prison at a time before trial, which is tentatively scheduled to begin October 17, 2011. Plaintiff's counsel must also meet with him on at least two separate days for a minimum of three hours each day.

Thus, it is necessary that a Writ of Habeas Corpus Ad Testificandum issue commanding the Warden of Ironwood State Prison, A1-249, P.O. BOX 2199, Blythe, California, 92226 to transport Mr. Villa to San Quentin, California 94964 at a time before trial, which is scheduled to begin October 17, 2011. There should be enough time so that Plaintiff's counsel can meet with him on two separate days for a minimum of three hours each.

Thus, it is also necessary that a Writ of Habeas Corpus Ad Testificandum issue commanding the Warden of San Quentin to produce Mr. Villa before this court, Courtroom 9, 19th Floor, United States Courthouse, 450 Golden Gate Ave., San Francisco, California 94102 tentatively on October 17, 2011 at 7:30 a.m., and each day thereafter through the duration of his trial.

Accordingly, **IT IS ORDERED** that:

1. A Writ of Habeas Corpus Ad Testificandum Issue, under the seal of this court, commanding the Warden of Ironwood State Prison, A1-249, P.O. BOX 2199, Blythe, California, 92226 to transport Mr. Villa to San Quentin, California 94964 at a time before trial, which is scheduled to begin October 17, 2011, with sufficient time to allow for at least two attorney visiting

1 days in advance of October 17, 2011, so that Mr. Villa can meet with his attorney(s);

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3 2. A Writ of Habeas Corpus Ad Testificandum Issue, under the seal of this court,
4 commanding the Warden of San Quentin State Prison, San Quentin, CA 94964, to produce Mr. Villa
5 for at least two attorney visiting days in advance of October 17, 2011, so that Mr. Villa can meet
6 with his attorney(s) at least twice prior to the trial date;

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9 3. A Writ of Habeas Corpus Ad Testificandum Issue, under the seal of this court,
10 commanding the Warden of San Quentin State Prison, San Quentin, CA 94964, to produce the
11 inmate before this court, Courtroom 9, 19th Floor, United States Courthouse, 450 Golden Gate Ave.,
12 San Francisco, California 94102, no sooner than October 17, 2011, 7:30 a.m. and from day to day as
13 advised by the Court and the parties until the completion of court proceedings as ordered by the
14 Court under the custody of the Federal Marshal;

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17 4. It is further ordered that Mr. Villa's designation as a "Special Needs" inmate must
18 stay in place at all times while he is located or housed at Ironwood State Prison, San Quentin State
19 Prison, the U.S. District Court for the Northern District of California, and any other facility or
20 location it is necessary to take Mr. Villa in order to implement this writ. As a "Special Needs"
21 inmate, Mr. Villa is not to be housed or transported with anyone in the General Prison Population,
22 including during his transportation to and from San Quentin or upon his return to Ironwood State
23 Prison, Blythe, California 92226;

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26 5. The Clerk of Court is ordered to serve a courtesy copy of this order and Writ of
27 Habeas Ad Testificandum on the Out To Court Desks of Ironwood State Prison, A1-249, P.O. BOX
28 2199, Blythe, California, 92226 and San Quentin State Prison, San Quentin, CA 94964;

6. Upon completion of the trial in this civil rights action, and upon satisfaction of this writ by the Court, the United States Federal Marshal return John D. Villa, Jr. to State Officers so that they may return him to Ironwood State Prison under safe and secure conduct;

I **COMMAND** you to produce the inmate named above to appear before the United States District Court at the time and place named above; and thereafter to return the inmate to the above institution.

DATED: August 12, 2011.

Honorable William Alsup
District Judge, U.S. District Court for the Northern
District of California